

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN WILEY & SONS, INC.,

Plaintiff,

v.

DRK PHOTO, a sole proprietorship,

Defendant.

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DRK PHOTO, a sole proprietorship,

Counterclaimant,

v.

JOHN WILEY & SONS, INC.

Counterdefendant.  
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1:11-CV-05454-KPF

ECF Case

**DECLARATION OF STEPHEN J. KRASEMANN**

I, Stephen J. Krasemann, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am a professional photographer, residing in Ontario, Canada. I have personal knowledge of the matters set forth herein.
2. I have placed many of my photographs in DRK Photo's collection, with the intent that DRK Photo issue licenses to third parties for their use.
3. On June 24, 2008, I executed a Copyright Assignment and Accrued Causes of Action Agreement. At the time I executed that agreement, I intended to transfer the rights to all such photographs, including those that I had previously registered with the Copyright Office. I also intended for DRK to retain those rights until registration was complete and until any



infringement claims relating to the images were resolved.

4. On April 14, 2009, I executed a Copyright Assignment and Accrued Causes of Action Agreement, assigning to DRK Photo all copyrights and complete legal title to all of my photographs in DRK Photo's collection. At the time I executed that agreement, I intended to further clarify my previous intent that DRK should retain an ownership interest in the images until the full resolution of any infringement claims relating to those images.

5. To date, DRK Photo currently retains ownership of the copyrights, and complete legal title, to all of the Stephen Krasemann photographs in its collection, including, but not limited to, those covered by copyright registrations VAu-175-200, VAu-516-002.

6. The copyrights to the photographs I assigned to DRK were not returned to me.

7. When I submitted my applications for to the Copyright Office for Copyright Registration No. VAu 175-200 and VAu 516-200, I was operating under the good faith belief that the definition of publication was the date the image was published to the public in a magazine, book, calendar, etc.; I was wholly unaware of any other possible definition.

8. At the time that I submitted my application for VAu 516-200, I was operating under the good faith belief that Images 902499, 905268 and 904674 had not been published to the public in any magazine, book, calendar, etc.

9. Image 902839 was published in or around 1992. This image was inadvertently listed as unpublished in my application for VAu 516-200. I recently learned this image also was registered as part of the book in which it was published, under Registration No. TX 3-871-272.

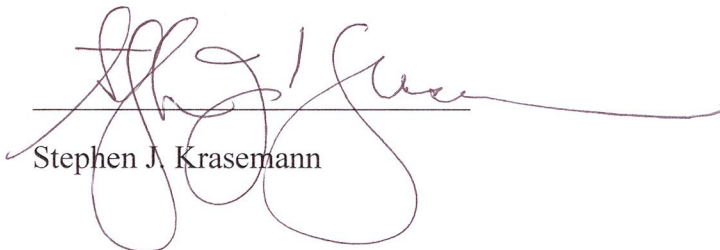
10. Image 901854 was not published or made available for license prior to February 1, 1990.

11. My application for Copyright Registration No. VAu 175-200 included 154 images. A copy of the record of the images that were submitted with my registration application is attached hereto as Exhibit 1.



I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21<sup>st</sup> day of June, 2013.

  
\_\_\_\_\_  
Stephen J. Krasemann

  
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## EXHIBIT 1

FOR  
OFFICIAL  
COPYRIGHT

154-35MM

File: c

Page 1  
1/17/90

154 35mm images copyrighted as  
Natural History Collection 1989

1 ← THIS IS THE GRIZZLY FACE CLOSE-UP

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IMAGES SSK RABSTEAD  
UNIDAN VAO 175-200  
2-1-1990

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901567 - NGS  
901568 - NGS

901615 - NGS

Panel 3

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